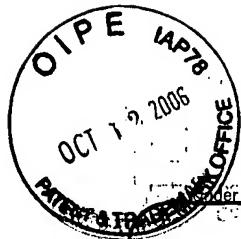


1644/IFW



PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	10/509,292
	Filing Date	September 23, 2004
	First Named Inventor	Drivas, D.
	Art Unit	1644
	Examiner Name	Crowder, Chun
	Attorney Docket Number	MP-01

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): --Response to Restriction Requirement (3 pages) --Return-receipt postcard
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Remarks
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hoxie & Tso LLP		
Signature			
Printed name	Thomas Hoxie		
Date	October 9, 2006	Reg. No.	32,993

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Michele Konrad	Date	October 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Drivas, D.)	Examiner:	Crowder, Chun
)		
Serial No.:	10/509,292)	Group Art Unit:	1644
)		
Filed:	September 23, 2004)	Confirmation No.:	3709
)		
Title:	Methods and Compositions for Treating and Preventing Eotaxin Mediated Inflammatory Conditions)	Attorney Docket:	MP-01
)		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1,143, Applicant requests reconsideration and withdrawal of the Restriction Requirement dated September 7, 2006,

The Examiner bases that restriction requirement on the argument that “the inventions of Groups I and III were found to have no special technical feature that defined the contribution over the prior art of Jose et al.”¹ Jose et al. describes the isolation and amino acid sequence of guinea pig eotaxin and the possible involvement of eotaxin in the guinea pig model of allergic

¹ Examiner cites Jose et al. at JBC 1994, Vol. 179, pages 881-887 stating that this reference was cited in an Information Disclosure Statement filed in this case on January 3, 2005. Applicant submitted two articles by Jose et al. with an Information Disclosure Statement dated December 22, 2004, neither of which was from JBC. Applicant believes the Examiner is referring to Jose et al., J. Exp. Med. 1994, Vol. 179, pages 881-887.

airways inflammation. Jose et al. however do not disclose human eotaxin, let alone eotaxin vaccines or immunogenic conjugates or methods of treatment involving generation of an active immune response to eotaxin. Certainly, this reference does not disclose or suggest the compositions and methods of the instant invention.

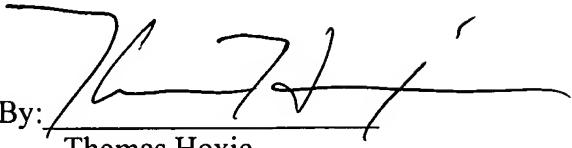
There is a technical relationship among the claims, all of which involve methods or immunogenic compositions for generating an active immune response to eotaxin, a special technical feature which is not disclosed or suggested in the art relied on by the Examiner. Accordingly, there is unity of invention within the meaning of PCT Rule 13 and 37 C.F.R. §1.475, and Applicant therefore respectfully requests that the restriction requirement be withdrawn.

Pursuant to 37 C.F.R. 1.143 and reserving all rights, including the right to reinstatement or rejoinder in the event the restriction requirement is withdrawn or a generic claim is allowed, and the right to pursue any non-elected inventions in divisional applications, Applicant provisionally restricts to the claims in Group I and provisionally elects the species wherein the immunogenic composition comprises a peptide fragment (SEQ ID NO 16) conjugated to DT, *e.g.*, as disclosed on page 17 of the specification.

Reconsideration and withdrawal of the Restriction Requirement and a speedy allowance of the claims submitted is respectfully requested. The Examiner is invited to contact the

undersigned attorney for the Applicant in the event of any questions.

Respectfully submitted,

By: 
Thomas Hoxie
Reg. No. 32,993

Date: October 9, 2006

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